

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT, IN AND FOR
MIAMI-DADE COUNTY, FLORIDA**

CASE NO: 19-06869 CA (15)

CIVIL DIVISION

DR. JAMES ERIC MCDONOUGH,
Plaintiff,

vs.

CITY OF HOMESTEAD,
a Florida municipal corporation,
Defendant,

**PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS TO DEFENDANT CITY OF
HOMESTEAD'S**

Pro se Plaintiff, Dr. James Eric McDonough, pursuant to Rule 1.370, Florida Rules of Civil Procedure, hereby requests that Defendant City of Homestead, admit the truth of the matters set forth below. The matters set forth below will be considered admitted unless Respondent serves a written answer or objection addressed to the matter within thirty (30) days after service of this request.

DEFINITIONS

Terms not defined herein shall have the meanings ascribed in the Complaint.

1. "CITY," refers to Defendant, the City of Homestead, and any agent, employee or other person acting or purporting to act, or who acted or purported to act, on behalf of the City of Homestead at any time until the present, or during any other indicated period of time.

2. "McDonough," refers to Plaintiff, Dr. James Eric McDonough, and also includes any agent, employee, attorney, legal assistant, paralegal, or other person acting or purporting to act, or who acted or purported to act, on behalf of Dr. James Eric McDonough at any time until the present, or during any other indicated period of time.

3. The terms “concern” or “concerning” or any other derivative thereof shall be construed as referring to, responding to, relating to, pertaining to, connected with, comprising, memorializing, commenting on, regarding, discussing, showing, describing, reflecting, analyzing and constituting.

4. The terms “relating to” or “relating thereto” shall mean, directly or indirectly, refer to, mention, describe, concern, pertain to, arise out of or in connection with or in any way legally, logically, or factually connected with the matter discussed.

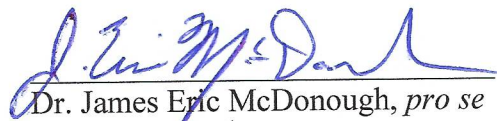
5. “Complaint” refers to the FIRST AMENDED VERIFIED PETITION FOR WRIT OF MANDAMUS FOR PRODUCTION OF PUBLIC RECORDS UNDER THE FLORIDA PUBLIC RECORDS ACT filed by Plaintiff in the case known as McDonough v. City of Homestead filed in the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, Case No. 19-06869 CA (15).

ADMISSIONS

1. Admit that McDonough filed the pertinent request for records on February 18, 2019.
2. Admit that the records were retrieved on February 20, 2019.
3. Admit that the records were not produced to McDonough until March 11, 2019.
4. Admit that CITY pulled the responsive records and then intentionally failed to produce them immediately.
5. Admit that there was no legal justification in delaying the producing of the records after they were retrieved as was done.
6. Admit that CITY held non-exempt and non-confidential records responsive to the pertinent request for records of the Complaint for several weeks after retrieving them.
7. Admit that CITY has held non-exempt and non-confidential records responsive to request(s) for records filed by McDonough in the past has for several weeks after retrieving them before producing them to McDonough.
8. Admit that for the provided records to have been produced it would have required the submission of a request(s) for leave by Murguido.
9. Admit that the request(s) for leave would be a public record.

10. Admit that the request(s) for leave were not provided to McDonough.
11. Admit that the request(s) for leave are non-exempt and non-confidential records.
12. Admit that the request(s) for leave are responsive to McDonough's request.
13. Admit that there was no legal justification to not produce the request(s) for leave.
14. Admit that the requested records did not require any redactions.
15. Admit that CITY either pulled, or was aware of additional records, aside from the request for leave, responsive to the request for records of the Complaint and that CITY then failed to produce those records.
16. Admit that review of the provided records, if it occurred, required less than fifteen (15) minutes of time.
17. Admit that CITY has no policy in place for tracking the number of minutes that are actually expended on producing public records.
18. Admit that it is a violation of Title X, Chapter 119 to either profit from public records requests or bill people for public records requests if CITY cannot verify the ACTUAL cost to produce those records.

Respectfully submitted,

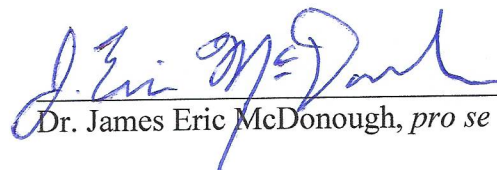


Dr. James Eric McDonough, *pro se*
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this motion has been served by email on counsel for Defendants, Matthew Mandel at MMandel@WSH-law.com and Matthew Pearl at mpearl@wsh-law.com as well as City Clerk Elizabeth Sewell at ESewell@cityofhomestead.com on this 14th day of March 2019.

Respectfully submitted,



Dr. James Eric McDonough, *pro se*